NOTICE OF OFFER

TO RECEIVE

UNSOLICITED COMMERCIAL EMAIL (SPAM)

YOUR ACTIONS MAY CONSTITUTE A BINDING CONTRACT.
PLEASE READ THE FOLLOWING CAREFULLY.

BY SENDING UNSOLICITED SPAM TO ME AT THE FOLLOWING DOMAIN, GORDONWORKS.COM ,YOU ACCEPT MY OFFER TO YOU CONCERNING RECEIPT OF UNSOLICITED MATERIAL FROM YOU UNDER THE FOLLOWING TERMS:

1- THAT IN VALUABLE CONSIDERATION, SUFFICIENCY AND ADEQUACY OF WHICH YOU HEREBY ACKNOWLEDGE, OF ME RECEIVING ANY UNSOLICITED MATERIAL FROM YOU;

2- UNLESS, YOU HAVE OBTAINED PRIOR AUTHORIZATION FROM ME TO SEND YOUR MATERIAL TO ME; YOU AGREE TO CONFER THE SUM OF US$500 PAYABLE IN CERTIFIED CHECK TO ME EFFECTIVE AND COLLECTIBLE UPON YOUR SENDING OF ANY UNSOLICITED MATERIAL TO THE DOMAIN, GORDONWORKS.COM;

3- YOU AGREE TO CEASE AND DECEASE ANY FURTHER ATTEMPTS TO SEND ANY ADVERTISING MATERIAL WHATSOEVER TO THE DOMAIN, GORDONWORKS.COM;

4- THIS AGREEMENT MAY BE MODIFIED AND/OR CHANGED BY ME AT ANY TIME WITHOUT NOTICE;

5- YOU AGREE THAT THE AMOUNT OF FUNDS (IN US Dollars) I CHARGE FOR EACH ADDITIONAL UNSOLICITED PIECE OF ADVERTISING SHALL BE CALCULATED AS FOLLOWS: (NUMBER OF OFFENSE) MULTIPLIED BY ($500). FOR EXAMPLE: ON YOUR THIRD UNSOLICITED MAILING TO ME, YOU AGREE TO PAY ME THE AMOUNT OF US$1500, AND ON YOUR FOURTH UNSOLICITED MAILING, YOU AGREE TO PAY ME THE AMOUNT OF US$2000, AND SO ON;

6- YOU AGREE THAT VENUE FOR ANY AND ALL DISPUTES RESOLUTION PROCEEDINGS SHALL BE THE STATE OF WASHINGTON, BENTON COUNTY;

7- YOU SUBMIT YOUR PERSON TO THE JURISDICTION OF THE COURTS OF THE STATE OF WASHINGTON.

Dockets.Justia.com

From: MAILER-DAEMON@ns48.webmasters.com
To: msm@gordonworks.com
Subject: failure notice

Hi. This is the qmail-send program at ns48.webmasters.com.
I'm afraid I wasn't able to deliver your message to the following addresses.
This is a permanent error; I've given up. Sorry it didn't work out.

<ingtonaden@aberystwyth.com>:
216.200.145.37 does not like recipient.
Remote host said: 554 Recipient Rejected: Not accepting mail for this account : Account Inactive
Giving up on 216.200.145.37.

--- Below this line is a copy of the message.

Return-Path: <msm@gordonworks.com>
Received: (qmail 2310 invoked by uid 10003); 1 Sep 2004 04:56:42 -0000
Date: 1 Sep 2004 04:56:42 -0000
Message-ID: <20040901045642.2307.qmail@ns48.webmasters.com>
To: ingtonaden@aberystwyth.com
From: msm@gordonworks.com
Subject: RE: :) lots of pain relivers for you to choose to cure the pain
Content-Type: text/plain; charset="iso-8859-1"
Content-Transfer-Encoding: 7bit
X-Mailer: 4Admin Autoresponder

TO: Email Marketer
FROM: Jim Gordon
DATE: May 31, 2004
SUBJECT: Demand for Cessation of Emails

I am a Washington State resident. By virtue of my residency in Washington State, the commercial electronic mail messages that I received from your company violate Washington State statute and the new federal CAN-SPAM statute. Neither statute contemplates whether an email is solicited or not only whether or not it violates the relevant statute.

Please STOP sending emails to my domain, i.e. gordonworks.com. If applicable, please instruct your agents and/or marketing partners to stop sending emails on your behalf to my domain, immediately.

Under Washington law, I am entitled to a private right of action in a Washington State court (or the U.S. District Court in Richland, WA) to pursue 1) statutory damages of $500 per email under RCW 19.190 2) additional statutory damages of $1,000 per email as an Internet Access Service 3) Consumer Protection Act civil penalties of up to $2,000 per email under RCW 19.86.140. Your total liability amounts to $3,500 per email to send email to gordonworks.com Lastly, Internet Access Services can also sue under CAN-SPAM for damages - you may face criminal charges in addition to civil penalties.

All of the commercial electronic mail messages that you have sent to me violate at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each of the commercial electronic mail messages:

· misrepresents or obscures information identifying the point of origin of the commercial electronic mail message, and/or
· misrepresents or obscures information identifying the transmission path of the commercial electronic mail message, and/or
· contains false or misleading information in the subject line of the commercial electronic mail message.

I am prepared to initiate a lawsuit, if the emails from your company do not stop, immediately. Please instruct anyone that markets products and/or services on your behalf to purge email addresses from my domain.

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1- THAT IN VALUABLE CONSIDERATION, SUFFICIENCY AND ADEQUACY OF WHICH YOU HEREBY ACKNOWLEDGE, OF ME RECEIVING ANY UNSOLICITED MATERIAL FROM YOU;

2- UNLESS, YOU HAVE OBTAINED PRIOR AUTHORIZATION FROM ME TO SEND YOUR MATERIAL TO ME; YOU AGREE TO CONFER THE SUM OF US$500 PAYABLE IN CERTIFIED CHECK TO ME EFFECTIVE AND COLLECTIBLE UPON YOUR SENDING OF ANY UNSOLICITED MATERIAL TO THE DOMAIN, GORDONWORKS.COM;

3- YOU AGREE TO CEASE AND DECEASE ANY FURTHER ATTEMPTS TO SEND ANY ADVERTISING MATERIAL WHATSOEVER TO THE DOMAIN, GORDONWORKS.COM;

4- THIS AGREEMENT MAY BE MODIFIED AND/OR CHANGED BY ME AT ANY TIME WITHOUT NOTICE;

5- YOU AGREE THAT THE AMOUNT OF FUNDS (IN US Dollars) I CHARGE FOR EACH ADDITIONAL UNSOLICITED PIECE OF ADVERTISING SHALL BE CALCULATED AS FOLLOWS: (NUMBER OF OFFENSE) MULTIPLIED BY ($500). FOR EXAMPLE: ON YOUR THIRD UNSOLICITED MAILING TO ME, YOU AGREE TO PAY ME THE AMOUNT OF US$1500, AND ON YOUR FOURTH UNSOLICTED MAILING, YOU AGREE TO PAY ME THE AMOUNT OF US$2000, AND SO ON;

6- YOU AGREE THAT VENUE FOR ANY AND ALL DISPUTES RESOLUTION PROCEEDINGS SHALL BE THE STATE OF WASHINGTON, BENTON COUNTY;

7- YOU SUBMIT YOUR PERSON TO THE JURISDICTION OF THE COURTS OF THE STATE OF WASHINGTON.

From: MAILER-DAEMON@k2smtpout04-02.prod.mesa1.secureserver.net
To: emily@gordonworks.com
Subject: failure notice

Hi. This is the qmail-send program at k2smtpout04-02.prod.mesa1.secureserver.net.
I'm afraid I wasn't able to deliver your message to the following addresses.
This is a permanent error; I've given up. Sorry it didn't work out.

<SuperTV@benignantcause.com>:
Connected to 66.63.184.77 but greeting failed.
Remote host said: 554-mail.benignantcause.com
554 Access denied
I'm not going to try again; this message has been in the queue too long.

--- Below this line is a copy of the message.

Return-Path: <emily@gordonworks.com>
Received: (qmail 12574 invoked from network); 9 Apr 2006 21:36:11 -0000
Received: from unknown (HELO gordonworks.com) (68.178.150.119)
by k2smtpout04-02.prod.mesa1.secureserver.net (64.202.189.173) with ESMTP; 09 Apr 2006 21:36:11 -0000
Received: (qmail 22818 invoked by uid 0); 9 Apr 2006 15:36:10 -0600
Date: 9 Apr 2006 15:36:10 -0600
Message-ID: <20060409213610.22720.qmail@gordonworks.com>
Reply-To: jim@gordonworks.com
From: emily@gordonworks.com
To: SuperTV@benignantcause.com
CC:
Subject: Re: <Contract to Receive Commercial Email>
Content-Type: text/plain; charset="UTF-8"
Content-Transfer-Encoding: 8bit
Content-Disposition: inline

TO: Email Marketer
FROM: Jim Gordon
DATE: December 15, 2005
SUBJECT: Demand for Cessation of Emails

I am a Washington State resident. By virtue of my residency in Washington State, the commercial electronic mail messages that I received from your company violate Washington State statute and the federal CAN-SPAM statute. Neither statute contemplates whether an email is solicited or not Â only whether or not it violates the relevant statute.

Please STOP sending emails to my domain, i.e. gordonworks.com. If applicable, please instruct your agents and/or marketing partners to stop sending emails on your behalf to my domain, immediately.

Under Washington law, I am entitled to a private right of action in a Washington State court (or the U.S. District Court in Richland, WA) to pursue 1) statutory damages of $500 per email under RCW 19.190 et seq 2) additional statutory damages of $1,000 per email as an Internet Access Service 3) Consumer Protection Act civil penalties of up to $2,000 per email under RCW 19.86.140. Your total liability amounts to $3,500 per email to send email to gordonworks.com Lastly, Internet Access Services can also sue under CAN-SPAM for damages - you may face criminal charges in addition to civil penalties.

Continued violations will subject you to criminal prosecution under RCW 9.35 - Identity Theft and RCW 10.14 - Unlawful Harassment as well.

The commercial electronic mail messages that you have sent violate at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each of the commercial electronic mail messages:
Â· misrepresents or obscures information identifying the point of origin of the commercial electronic mail message, and/or
Â· misrepresents or obscures information identifying the transmission path of the commercial electronic mail message, and/or

Â· contains false or misleading information in the subject line of the commercial electronic mail message.

I am prepared to initiate a lawsuit, if the emails from your company do not stop, immediately. Please instruct anyone that markets products and/or services on your behalf to purge email addresses from my domain.

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